

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/03/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

WARREN ZINNAMON, on behalf of himself and :
all others similarly situated, :
:
Plaintiff, : 22-CV-5910 (VEC)
-against- :
:
:
ORDER
:
:
:
Defendant. :
----- X

VALERIE CAPRONI, United States District Judge:

WHEREAS on October 25, 2022, Plaintiff was ordered to move for leave to file an Amended Complaint not later than November 1, 2022, or the action would be dismissed for lack of standing, Dkt. 7;

WHEREAS on November 1, 2022, Dkt. 9, Plaintiff filed a letter seeking leave to amend the complaint but did not comply with the Undersigned's Individual Rules;

WHEREAS the Court extended Plaintiff's deadline to move for leave to amend the complaint until November 4, 2022, Dkt. 11;

WHEREAS on November 2, 2022, Plaintiff notified the Court that the parties have reached an agreement in principle resolving all issues and asked the Court to retain jurisdiction for 60 days while the parties prepare settlement documents, Dkt. 10; and

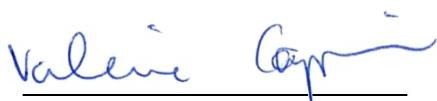
WHEREAS because Plaintiff did not file an Amended Complaint that adequately alleges standing, the Court lacks subject-matter jurisdiction over this case and can only dismiss the action without prejudice, *see Bank v. U.S. Dep't of Health & Human Servs.*, 708 F. App'x 43, 44–45 (2d Cir. 2018) (summary order);

IT IS HEREBY ORDERED that all previously scheduled conferences and other deadlines are CANCELLED.

IT IS FURTHER ORDERED that this case is DISMISSED without prejudice and without costs (including attorneys' fees) to either party. The Clerk of Court is respectfully directed to terminate all open motions and to CLOSE the case.

SO ORDERED.

Date: November 3, 2022
New York, New York



VALERIE CAPRONI
United States District Judge